

ROCHESTER CITY COUNCIL

REGULAR MEETING

MAY 12, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

*Richard Saltrelli
*William M. Sauers
John L. Steinberg
*John E. Thomas

RFD

*Ronald Bianchi

RPD

*Ann Cohen
Eva Ramos

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Palumbo

RESOLVED, that the minutes of the Special Meeting of April 2, 2009 and the Regular Meeting of April 14, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Notice Of Environmental Determination (2) 3958-09, 3959-09
Administrative Cancellation or Refund of Erroneous Taxes and Charges 3960-09

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Quarterly Report 3961-09
Schedule of Revenues and Expenditures
Claims Reports
Delinquent Receivables
Public Auction 3962-09
Public Disclosure - HOME Participation 3963-09
Public Disclosure - CDBG Participation (2) 3964-09, 3965-09

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Approving The Consolidated Community Development Plan/2009-10 Annual Action Plan, As Amended Int. No. 158
1 speaker: Julio Vazquez.

Authorizing An Amendatory 2008-09 Community Development Program Plan For The Homelessness Prevention And Rapid Re-Housing Program Int. No. 161 No speakers.

Approving The Sale By The Rochester Urban Renewal Agency Of 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project Int. No. 163 No speakers.

Changing The Zoning Classification Of 1452 Norton Street From R-1 Low Density Residential To C-2 Community Center Int. No. 164 No speakers.

Approving Increases In The Pavement Width Of Ashwood Drive, Fieldwood Drive And Master Street Int. No. 170 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimis Parcels And Temporary Easements For The East Henrietta Road Improvement Project Int. No. 182 No speakers.

Approving An Increase In The Pavement Width Of East Henrietta Road At Redfern Drive Int. No. 183 No speakers.

Changing The Traffic Flow Of Ft. Hill Terrace From One-Way Eastbound To Two-Way And Authorizing Closure Of Ft. Hill Terrace To Through Traffic At East Henrietta Road Int. No. 184 No speakers.

Amending The Official Map By Abandonment Of Portions Of Crittenden Boulevard And Authorizing Their Sale, As Amended Int. No. 186 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 172 No speakers.

Continuation Of Local Improvement Ordinance No. 1289 Relating To The Monroe Avenue Commercial Parking Lot Int. No. 173 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 174 No speakers.

Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Special Services Program Int. No. 175 No speakers.

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Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement Int. No. 176 No speakers.

Designating Montgomery Neighborhood Center, Inc. As Qualified And Eligible To Purchase And Redevelop 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project Int. No. URA-4 No speakers.

Approving The Sale Of 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In the Third Ward Urban Renewal Project Int. No. URA-5 No speakers.

Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District Int. No. 185 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-133 and
Ordinance No. 2009-134
Re: Tax Apportionment Assessment
Classes

Transmitted herewith for your approval is legislation certifying certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves determination of the "base proportion." In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2008 data. The second is the calculation of the adjusted base proportions using 2008 and 2009 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead	.4228828
Non-Homestead	<u>.5771172</u>
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4210904
Non-Homestead	<u>.5789096</u>
Total	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead	-4.6
Non-Homestead	+3.7

These calculations have been reviewed by the New York State Office of Real Property Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 15, 2009.

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Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-133
(Int. No. 192)

Determining and Certifying Base Proportions, Current Percentages,
And Base Percentages For The 2009 Assessment Roll

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City's 2009 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions	42.28828%	57.71172%
Current percentage	60.71700%	39.28300%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Equalization and Assessment.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-134
(Int. No. 193)

Determining And Certifying Adjusted Base Proportions, Assessed Value,
And Net Changes In Assessed Value For The 2009 Assessment Roll

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2009 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4210904	.5789096
Taxable assessed value	3,457,049,238	2,260,964,043
Net change in assessed value from 2008 resulting from physical and quantity changes	+8,757,500	+60,500,438
Net change in assessed value from 2008 resulting from other than physical and quantity changes	-5,098,889	-12,025,850

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of

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Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to refer Int. No. 194 to the PSR committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Councilmember McFadden moved to hold Int. No. 194 in committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Introductory No. 194
 Agreement - Hillside Work
 Scholarship Connection,
 Summer of Opportunity Program

Transmitted herewith for your approval is legislation establishing \$400,000 as maximum compensation for an agreement with Hillside Work Scholarship Connection (HWSC) for services in support of the 2009 Summer of Opportunity Program, and amending the 2008-09 Budget by transferring \$400,000 from the Police Department to the Department of Recreation and Youth Services to fund the agreement. These funds are available as a result of aggressive steps taken by the Police Department to both reduce overtime (an anticipated 46% reduction compared to 2007-08) and to stay within budget for 2008-09.

As you are aware, for the past three years, the Summer of Opportunity Program has received funding from New York State through the efforts of Senator Joe Robach. However, the State budget does not include these funds for the 2009 program, which severely limits the number of jobs that can be offered to City youth this year.

It is essential that City youth are provided experiences that will enhance sustained academic and employment success. The HWSC has an established record of significantly increasing graduation rates among City high school students. This agreement provides a unique opportunity to partner with the agency to provide early work experience for students in grades 8-10, as well as provide support to these students throughout their high school years.

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Hillside's Work Scholarship Program traditionally offers two phases of service to qualifying students. In phase one, students are provided mentoring, tutoring, and job readiness training and other support services. Once students achieve the HWSC standard (93% school attendance, GPA of 2.0 or greater, and a positive attitude), they become eligible for year round employment.

In order to coordinate with ongoing efforts by the City to increase youth job experience, Hillside has designed an additional step that provides an orientation to the long-term HWSC program. This orientation program will be made available to 150 Summer of Opportunity participants, and will include a paid work experience for eight weeks this summer, 25 hours of job readiness training during the summer, assignment to a youth advocate/mentor, and enrollment in the HWSC.

In order to participate in this program, students must have two or more of the following criteria, which are standard for enrollment in HWSC:

- Lives in a household at or below poverty levels
- Failing 2 or more core school subjects
- Has had school suspensions
- School attendance rate is 71-85%
- Over age for grade level
- Low standardized test scores (level 1 or 2)

Students completing the Summer of Opportunity HWSC orientation program will be enrolled full time in the HWSC Program and participate in the full range of services offered by the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 194

ESTABLISHING MAXIMUM COMPENSATION FOR A
PROFESSIONAL SERVICES AGREEMENT AND AMENDING THE
2008-09 BUDGET FOR THE SUMMER OF OPPORTUNITY
PROGRAM

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$400,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Hillside Work Scholarship Connection for administration of the 2009 Summer of Opportunity Program. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$400,000 from the Rochester Police Department to the Department of Recreation and Youth Services to fund the Summer of Opportunity Program.

Section 3. This ordinance shall take effect immediately.

Held in committee.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

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By Councilmember Conklin
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To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 150 - Approving Apportionment Of Taxes And Charges

Int. No. 151 - Cancellation Of Taxes And Charges

Int. No. 152 - Establishing Maximum Compensation For An Amendatory Agreement With The Rochester Philharmonic Orchestra

Int. No. 153 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Web Development Services

Int. No. 154 - Authorizing Grant Applications Under The American Recovery And Reinvestment Act

Int. No. 155 - Acceptance Of Library Grants And Amending The 2008-09 Budget

Int. No. 156 - Establishing Maximum Compensation For A Professional Services Agreement For Audio-Visual Equipment

Int. No. 190 - Local Law Amending The City Charter With Respect To The Creation Of The Department Of Neighborhood And Business Development

Int. No. 191 - Establishing Maximum Compensation For A Professional Services Agreement For Office Relocation Management

Respectfully submitted,

Carolee A. Conklin

Carla M. Palumbo

Lovely A. Warren *(Did not vote on Int. No.'s 150 & 151)*

Gladys Santiago *(Did not vote on Int. No.'s 150 thru 155)*

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-135

Re: Apportionment of Taxes and
Charges - Subdivided and
Combined Properties

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 24 properties that have either been subdivided or combined in 2008-09. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter.

The apportionment consists of City and school taxes and special district charges. These taxes and charges, which total \$103,866.08, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

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If the proposed apportionment is approved, the taxes and charges will be added to the July 2009 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2009.

Specific information for each of these properties is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-50

Ordinance No. 2009-135
(Int. No. 150)

Approving Apportionment Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester pursuant to Section 6-78 of the Charter of the City of Rochester on April 14, 2009, in accordance with the list which is on file in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-136
Re: Cancellation of Erroneous Charges

Transmitted herewith for your approval is legislation approving the cancellation of charges totaling \$1,156.18.

The property at 532 Lake Avenue requires a partial cancellation of delinquent refuse charges in the amount of \$1,156.18. The charges were attributed to a tenant, who vacated the building in December 2007; the owner did not request cancellation of refuse service. Upon notification from City refuse collectors that the building was vacant, the billing was transferred to the owner, who was then asked to comply with the City's cancellation procedure in April 2008. The owner failed to do so; the amount requested for cancellation is the amount that continued to be billed even though service had been discontinued. A delinquent refuse amount of \$1,063.68 remains on the tax roll for the property.

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$2,234,721.82.

	<u>Accounts</u>	<u>Amounts</u>
City Council	224	\$2,184,608.18
Administrative	<u>137</u>	<u>50,113.64</u>
Total	361	\$2,234,721.82

These cancellations represent .949% of the taxes receivable as of July 1, 2008.

Respectfully submitted,
Robert J. Duffy

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Mayor

Attachment No. AI-51

Ordinance No. 2009-136
(Int. No. 151)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) Partial cancellation of Delinquent Refuse charges attributed to a former tenant. A Delinquent Refuse amount of \$1,063.68 remains on the tax roll for the property.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
105.35-3-13	NH	532 Lake Av	2009	<u>\$1,156.18</u>
			Grand Total	\$1,156.18

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-137
Re: Amendatory Agreement - Rochester
Philharmonic Orchestra, Performance
Tent

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Philharmonic Orchestra to provide additional services related to a 2009 summer music series in downtown Rochester. This amendment will increase the original agreement, authorized in November 2008, by \$75,000 for total maximum compensation of \$150,000. The additional cost will be funded from the 2008-09 Budget of the Bureau of Communications.

The additional funds will partially support the purchase and installation of a summer performance venue consisting of a temporary modular structure, including roof and production support. Additional funding will be provided by the RPO, Rochester International Jazz Festival, and other sources. The tent, to be installed in the parking lot at 420 E. Main Street, will allow for the seating of approximately 2,000 persons.

These funds will also support a performance by the RPO for the City's 175th Anniversary Gala, scheduled for June 27, 2009. The structure will be in place for an eight-week period and will be available to the City for subsequent 175th Anniversary and sponsored events, as well as rental by other performance groups and festivals. The first anticipated use of the facility will be June 12-20, as a premier venue for the Xerox Rochester International Jazz Festival.

Respectfully submitted,

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Robert J. Duffy
Mayor

Ordinance No. 2009-137
(Int. No. 152)

Establishing Maximum Compensation For An Amendatory Agreement
With The Rochester Philharmonic Orchestra

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory agreement between the City and the Rochester Philharmonic Orchestra for a summer performance venue and a full orchestra public concert for the City's 175th Anniversary Gala. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-138
Re: Amendatory Agreement - VanDamme
Associates, Website Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with VanDamme Associates, Pittsford, NY, for additional services related to the development and maintenance of the City's new website. The original agreement, authorized in August 2008, established maximum compensation of \$150,000 for the design and implementation of a new website for the City. This amendment will increase this amount by \$20,000 for a total of \$170,000. The additional cost will be funded from the 2008-09 Budget of the Information Technology Department.

The bulk of the design work has been completed, and the new site was launched on April 20, 2009. The additional funds will enable VanDamme Associates to continue to provide support and technical assistance to address any post-launch problems or adjustments that cannot be dealt with internally.

The term of this agreement will extend through May 15, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-138
(Int. No. 153)

Establishing Maximum Compensation For An Amendatory Professional
Services Agreement For Web Development Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with VanDamme Associates for web development services for the City's Website Redesign and Implementation Project. Said amount shall be funded from the 2008-09 Budget of the Information Technology Department.

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Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-139
Re: Competitive Grant Applications -
American Recovery and
Reinvestment Act

Transmitted herewith for your approval is legislation authorizing grant applications for projects under the American Recovery and Reinvestment Act (ARRA). The ARRA is the largest single infusion of spending into the economy in American history. This legislation will accelerate the process by which the City applies for federal and state grants of stimulus funds, thereby increasing the City's ability to access these funds.

The City routinely monitors the funding opportunities that become available under the ARRA. The granting agencies frequently require City Council endorsement as part of the application. However, since the intent of the Act is to disburse funds to municipalities quickly, the application deadlines do not necessarily coincide with the regular Council cycles. Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

Council will be regularly apprised of these grant applications. Upon approval of grant applications, Council approval to enter into the grant agreements and appropriate the grant funds will still be required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-139
(Int. No. 154)

Authorizing Grant Applications Under The American Recovery And
Reinvestment Act

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit all necessary applications to Federal and State governments, agencies and authorities, for funding under the American Recovery and Reinvestment Act.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

Section 3. The applications shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

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Ladies and Gentlemen:

Ordinance No. 2009-140
Re: New York State Library Construction
Grants, Central and Branch Library
Renovation Projects

Transmitted herewith for your approval is legislation authorizing an agreement with the NY State Library, Division of Library Development for the receipt and use of Library Construction Grants totaling \$84,000; and amending the 2008-09 Budget (Library Cash Capital) to reflect the grant.

These funds will cover up to 50% of the costs for improvements to the Central (\$34,200) and Branch Libraries (\$49,800). Improvements will include: boiler replacements at the Winton and Arnett Branches; window replacements at the Charlotte and Maplewood Branches; new graffiti proof stalls and paint for the patron restrooms at Central Library; and climate controls and security systems to the preservation room at Central Library.

It is anticipated that work will be completed by June 30, 2009.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2009-140
(Int. No. 155)

Acceptance Of Library Grants And Amending The 2008-09 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of New York State Library Construction Grants for Central and Branch Library construction projects.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$84,000, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-141
Re: Agreement - The Presentation Source,
Conference Room Upgrades

Transmitted herewith for your approval is legislation establishing \$85,000 as maximum compensation for an agreement with The Presentation Source, Pittsford, NY, for the purchase and installation of audio-visual equipment in three City Hall conference rooms. The cost of this agreement will be funded from 2008-09 Undistributed.

A request for proposal was issued directly to five firms, all of which participated in a site inspection and informational meeting held at City Hall on February 6, 2009. Proposals were received from The

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Presentation Source and from Audio-Video Corporation, Albany, NY. The Presentation Source was selected for the project based on their quoted price.

The Presentation Source will procure, integrate, and support the audio-visual, collaboration, and meeting support products as follows:

1. For City Hall Conference Room 309A: interactive whiteboard, auxiliary lighting system, new podium, tele-video-conferencing device, and media connection box
2. For City Hall Conference Room 208A: interactive whiteboard, new podium, and tele-video conferencing device
3. For City Hall Room 202A: interactive whiteboard installed
4. A digital projector and portable projection screen for use in City atrium and other facilities

The term of this agreement will be from May 15, 2009 to December 31, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-141
(Int. No. 156)

Establishing Maximum Compensation For A Professional Services
Agreement For Audio-Visual Equipment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$85,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Presentation Source for the purchase and installation of audio-visual equipment in City conference rooms. Said amount shall be funded from the 2008-09 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 4
Re: Amending the City Charter -
Department of Neighborhood
and Business Development

Transmitted herewith for your approval is legislation amending the City Charter to reflect the consolidation of certain administrative units into the new Department of Neighborhood and Business Development. This amendment will add the Department of Neighborhood and Business Development (NBD), remove references to the Departments of Economic Development and Community Development, and modify references to the Neighborhood Service Centers.

As you are aware, planning for the consolidation of DCD, EDD, and NSC has been in process for the past year, with the primary objectives of efficiency, cost savings, and improved customer service. The Department of Neighborhood and Business Development will continue to provide all of the services related

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to business and economic development; housing and neighborhood development; and comprehensive community planning, including zoning and code enforcement. Service delivery will be enhanced through the use of quadrant-specific cross-functional teams. This model will better address the unique needs of each quadrant, as well as facilitate citizen input.

The attached legislation specifies the organizational structure of the new department, including the establishment of the bureaus of Business and Housing Development, Planning and Zoning, Neighborhood Preservation, and Inspection and Compliance Services. The legislation also describes functions of the department as well as the duties and responsibilities of the Commissioner and Bureau Directors.

It is anticipated that related amendments to the City Code will be necessary at a later date.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 4
(Int. No. 190)

Local Law Amending The City Charter With Respect To The Creation
Of The Department Of Neighborhood And Business Development

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by consolidating the Department of Community Development, the Economic Development Department and the Neighborhood Services Center. Article X, Department of Community Development, Article XA, Economic Development Department, and Section 3-8.1, Neighborhood Services Center Director, are hereby repealed. A new Article X is hereby enacted to read in its entirety as follows:

Article X. Department of Neighborhood and Business Development.

Section 10-1. Department of Neighborhood and Business Development.

- A. The Department of Neighborhood and Business Development shall be responsible for the planning and development of physical programs for the neighborhoods. The Department's objectives shall be to bring together public and private resources to increase the supply of safe and sanitary housing for City residents, to encourage investment in the neighborhoods, to ensure the appropriate use and development of land within the City and to develop programs for the orderly provision of public improvements and facilities.
- B. The Department of Neighborhood and Business Development shall be responsible for preparing and coordinating projects and programs for the economic development of the City and the creation and retention of job opportunities for City residents. Such projects and programs shall promote and encourage the location and development of new business and industry in the City, as well as the maintenance and expansion of existing business and industry. The Department shall have primary responsibility for downtown development. The Department may provide for land acquisition, construction of capital improvements or disposition of land to achieve these goals. Federal, state and private sector assistance shall be utilized to the fullest extent possible for such projects and programs.
- C. The Department of Neighborhood and Business Development shall be responsible for developing and implementing programs aimed at arresting and correcting blight and deterioration in housing and other structures and property and shall inspect existing structures and property prior to the issuance of certificates of occupancy or letters of compliance, as may otherwise be directed by the Mayor.
- D. There shall be in the Department of Neighborhood and Business Development a Bureau of Business

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and Housing Development, a Bureau of Planning and Zoning, a Bureau of Neighborhood Preservation, a Bureau of Inspection and Compliance Services, and such other operating units as deemed necessary by the Commissioner and the Mayor for effective and efficient operation of the Department.

Section 10-2. Commissioner of Neighborhood and Business Development.

- A. The Commissioner of Neighborhood and Business Development shall be the head of the Department of Neighborhood and Business Development and shall be responsible to and report to the Mayor. The Commissioner shall appoint, with the approval of the Mayor, the heads of bureaus, divisions or other operating units that may be established. The Commissioner shall supervise and control the administration and provision of services by the several bureaus and operating units of the Department. The Commissioner shall also have such powers and duties as may be assigned by the Mayor or granted by law or ordinance.
- B. The Commissioner shall be responsible for preparing and submitting grant applications and assuring that federal and state assistance is utilized to the fullest extent possible in performing the responsibilities of the Department.
- C. The Commissioner shall be responsible for supervising and directing the enforcement of all laws and ordinances governing the maintenance, construction, use and occupancy of buildings, structures and property.
- D. The Commissioner shall have all the powers of the Commissioner of Environmental Services with respect to, and who with the Commissioner of Environmental Services shall be responsible for, supervising and directing the enforcement of the Refuse and Sanitation Codes, the Anti-Litter Ordinance, and the Streets Code.
- E. The Commissioner shall establish and cause to be maintained a central index of violations issued by the Department. The Mayor may direct other departments to enter violations in this index.
- F. The Commissioner shall supervise and administer the licensing of electricians, plumbers, stationary engineers and refrigeration operators and shall conduct such other licensing activities as may be assigned by the Mayor or be granted by law or ordinance.

Section 10-3. Bureau of Business and Housing Development.

- A. There shall be a Bureau of Business and Housing Development, the head of which shall be the Director of Development Services. The Bureau shall be responsible for providing services necessary to the detailed planning and execution of business and housing development and redevelopment projects and programs undertaken by the Department. The Bureau shall promote and encourage the location and development of new business and industry in the City, as well as the maintenance and expansion of existing business and industry. The services of the Bureau shall include but shall not be limited to the provision of financial assistance to businesses, assisting in the relocation of businesses and families as may be required by property acquisition, managing City property not used for municipal purposes, conducting feasibility studies, providing real estate services and providing technical assistance necessary to maintain and increase the supply of safe and sanitary housing in the City for all income groups.
- B. The Director of Development Services shall manage or cause to be managed all real property owned by the City which is not used for municipal purposes, shall appraise or cause to be appraised the value of all real property which the Council determines to acquire or sell and, on behalf of the Mayor or Commissioner of Neighborhood and Business Development, shall be responsible for all matters relating to the acquisition and sale of such real property. The Director of Development Services shall also manage or cause to be managed the Community War Memorial, the Terminal Building at the Port of Rochester, the soccer stadium, the Centers at High Falls, and such other facilities as may be assigned by the Mayor or the Commissioner.

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- C. The Director of Development Services shall provide for the demolition of structures when necessary, so that such structures are no longer threats to the health, welfare and safety of the residents of the City.
- D. The Director of Development Services shall be responsible for the development of business and housing programs under the Community Development Block Grant and other federal and state programs and liaison with the Rochester Housing Authority and other housing corporations.

Section 10-4. Bureau of Planning and Zoning.

- A. There shall be a Bureau of Planning and Zoning, the head of which shall be the Director of Planning and Zoning.
- B. The Bureau of Planning and Zoning shall be responsible for the administration of the Zoning Code. The Bureau shall provide staff services to the Zoning Board of Appeals, the Planning Commission, the Preservation Board, the Rochester Environmental Commission and such other boards as may be established. The Director of Planning and Zoning shall have all powers necessary to the administration of the Zoning Code and shall, consistent with the expressed standards, purposes and intent of the Zoning Code, promulgate, adopt and issue such procedural rules, regulations and forms as are necessary and shall from time to time recommend revisions and modifications to the Zoning Code. In addition, the Director of Planning and Zoning may, upon written request, for good cause shown and without any notice or hearing, extend any time limit imposed on an applicant or permittee by the Zoning Code of the City of Rochester or, unless the resolution shall expressly provide otherwise, by any resolution of any body acting pursuant to said ordinance for a period not to exceed the length of the original period. The Director of Planning and Zoning may delegate these responsibilities necessary to the administration of the Zoning Code to the Manager of Zoning, or said responsibilities may be assigned to the Manager of Zoning in the Zoning Code.
- C. The Bureau of Planning and Zoning shall assist the Planning Commission by conducting studies, performing reviews and making recommendations on matters before the Commission and shall provide such other general assistance as the Planning Commission may require in the discharge of its duties.
- D. The Director of Planning and Zoning shall have authority to permit minor adjustments or modifications to final plans for planned developments and cluster developments, and subject to the procedures, standards and limitations of the Zoning Code, the Director shall have the authority to issue administrative adjustments for variation of not more than 10% any numerical standard set forth in the Zoning Code, for five or fewer spaces for an alternative parking plan and for a minor parking area.
- E. The Director of Planning and Zoning shall have the authority to review and approve, approve with conditions or deny applications for site plan review, subject to the right of appeal of such decision to the City Planning Commission.
- F. The Director of Planning and Zoning shall have the authority to issue Certificates of Non-Conformity, subject to the right of appeal of such decision to the Zoning Board of Appeals.
- G. The Director of Planning and Zoning shall have the authority to issue Certificates of Appropriateness for applications that conform to the preservation guidelines adopted by the Preservation Board.
- H. The Bureau of Planning and Zoning shall be responsible for reviewing plans and issuing permits pursuant to the Building Code for new construction, alterations and demolitions.
- I. The Bureau of Planning and Zoning shall conduct and coordinate the City's physical, environmental and transportation planning. The Director of Planning and Zoning shall undertake studies of the physical, economic and social factors relevant to the well-being of the City. The Director shall be responsible for preparing and maintaining a Comprehensive Development Plan for the City; reviewing the conformity of municipal and private proposals to the City's development objectives; collecting, cataloging and analyzing data on demographic, economic and physical characteristics of the City; and

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coordinating the City's planning programs with those of the Genesee/Finger Lakes Regional Planning Council, the Monroe County Department of Planning and the Genesee Transportation Council.

- J. The Bureau of Planning and Zoning shall also be responsible for planning and coordinating projects and programs for the conservation and revitalization of the City's neighborhoods in accordance with the Comprehensive Development Plan.

Section 10-5. Bureau of Neighborhood Preservation.

The Bureau of Neighborhood Preservation shall be responsible for the operation and management of the Neighborhood Service Centers. The Bureau shall facilitate resolution of neighborhood complaints, reduce nuisance activities, provide technical assistance in community organizing, plan and implement special projects, monitor City-owned vacant structures, issue Business Permits, enforce the provisions of the Property Conservation Code, Zoning Code, Refuse and Sanitation Codes, the Anti-Litter Ordinance and the Streets Code, and promote crime prevention activities.

Section 10-6. Bureau of Inspection and Compliance Services

- A. There shall be a Bureau of Inspection and Compliance Services, the head of which shall be the Director of Inspection and Compliance Services. The Director shall issue Certificates of Occupancy and Certificates of Compliance for new and existing structures and property.
- B. The Bureau shall enforce or cause to be enforced all laws and ordinances relating to new construction and alterations and the maintenance, construction, use and occupancy of buildings, structures and property, as directed by the Commissioner or the Mayor or by law or ordinance.
- C. The Bureau, together with the Commissioner of Environmental Services, shall enforce or cause to be enforced the Refuse and Sanitation Codes, the Anti-Litter Ordinance, and the Streets Code.
- D. The Bureau shall conduct inspections for new construction and alterations for conformance with plans and shall perform property maintenance inspections of existing buildings and property.
- E. The Director of Inspection and Compliance Services shall have all powers necessary to administer the issuance of Certificates of Occupancy, Certificates of Compliance and any and all enforcement associated with the laws and ordinances enforced by the Bureau and shall, consistent with the expressed standards and purposes and intent of the applicable codes, promulgate, adopt and issue procedural rules and forms as are necessary and shall from time to time recommend revisions and modifications to the Building Code, Property Conservation Code, Plumbing Code, Electrical Code, and the Elevator Code.

Section 10-7. Inspections.

The Commissioner of Neighborhood and Business Development shall have the power, either personally or through a duly authorized member of his or her staff, to enter and inspect all buildings, structures and property within the City in order to ensure compliance with the various laws and ordinances enforced by the Department and to seek warrants where such are constitutionally required.

Section 10-8. Issuance of appearance tickets.

State Certified Code Enforcement Officers in the Bureau of Inspection and Compliance Services or the Neighborhood Service Centers may issue appearance tickets returnable in the Municipal Code Violations Bureau for violations of the Anti-Litter and Snow Ordinances, Streets Code, Refuse and Sanitation Codes, Property Conservation Code, Zoning Code, Fire Prevention Code, Building Code, Electrical Code, Elevator Code, and Plumbing Code and any other laws and ordinances enforced by the Department of Neighborhood and Business Development over which the Municipal Code Violations Bureau has jurisdiction. Neighborhood Service Centers Administrators are further authorized to issue appearance tickets for violations of the Noise Code.

Section 10-9. Enforcement of Code violations.

In addition to any other remedies provided by law or ordinance, any person who, having been served with a notice or order to correct or remove any violation of the New York State Uniform Fire Prevention and Building Code, Property Conservation Code, Building Code, Electrical Code, Elevator Code, Refuse and Sanitation Codes, Plumbing Code, Fire Prevention Code, Zoning Code and Anti-Litter Ordinance of the City of Rochester, or any other code enforced by the Commissioner of Neighborhood and Business Development, or any nuisance, fails to comply therewith within the time fixed by the Commissioner of Neighborhood and Business Development or the Fire Marshal shall be subject to a penalty not to exceed \$250 per violation to be assessed by the Commissioner of Neighborhood and Business Development after the person has been given an opportunity to appear at a hearing on such violations. Every day of each violation beyond the time fixed to correct or remove the violation may be held to constitute a separate violation. Notice of the hearing shall be served personally or shall be sent to the person by certified mail to the address filed by said person with the Department of Neighborhood and Business Development or the City Treasurer's office, and if such address is not so filed in the Department or the City Treasurer's office, then the notice shall be sent by registered or certified mail to the person's last known address or place of residence. The person shall be permitted to be represented by counsel at the hearing, to submit evidence and witnesses on his or her or their behalf, to examine opposing evidence and to cross-examine opposing witnesses. The Commissioner may appoint a hearing officer to conduct the hearing and make recommendations concerning said violations. The burden of proving the violations shall be upon the Department. Compliance with the technical rules of evidence shall not be required. The procedures set forth in this subsection shall be applicable to properties with life- or safety-threatening violations, as reasonably determined by the Commissioner; as well as two or more properties having at least one common owner, principal or partner, provided that each property has violations and at least one such property has violations that may pose a threat to life or safety as reasonably determined by the Commissioner. The Commissioner shall notify a person of any penalties imposed after a hearing and the reasons therefor, which notice shall be served upon the person or sent in the same manner as required above for a notice of hearing. If the penalties imposed are not paid within 60 days of the date of the notice of penalty, they shall be considered delinquent, shall create a debt and personal obligation in favor of the City and against the person, shall constitute a lien against the subject property, shall be subject to the late payment charges set forth in § 6-93 of the City Charter and may be rebilled periodically until paid or added to taxes. Such delinquent penalties may be added to the tax bill for the subject property in accordance with § 6-94 of the City Charter.

Section 10-10. Business Improvement Districts.

Business Improvement Districts may be established or extended in the City pursuant to the provisions of Article 19-A of the General Municipal Law.

Section 10-11. Affordable housing.

A. Findings and purpose.

By Resolution No. 93-19, the City Council adopted a comprehensive housing policy for the City of Rochester, which included, among other things, the promotion and facilitation of affordable housing for individuals and families of low and moderate income. The Council hereby finds that there is a deficiency of such affordable housing, which deficiency is a serious detriment to the economic and social health, safety and well-being of the residents and neighborhoods of the City. The Council, therefore, hereby declares the development of such affordable housing to be a municipal and public purpose which shall be undertaken within the policy established by Resolution No. 93-19.

B. Authorization.

The City, acting through the Commissioner of Neighborhood and Business Development, with the approval of the Mayor, is hereby authorized to develop and implement affordable housing programs by, among other things:

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- (1) Making grants to owners or purchasers of blighted houses who are persons or families of low or moderate income in order to rehabilitate such houses for purposes of occupancy by such owner or purchaser as his or her or their principal residence and making below market rate loans to owners or purchasers of blighted houses in order to rehabilitate such houses, with the use of any such grant or loan limited to bringing a house into compliance with all applicable laws and regulations, or to reconstruction in order to improve habitability of a blighted house, or to prolong the useful life of a blighted house.
- (2) Permitting the acquisition of blighted houses and their rehabilitation by one or more public or quasi-public authorities or entities for resale to a person or family of low or moderate income for use as such person's or family's principal residence.
- (3) Demolishing blighted houses, acquiring the resulting vacant lots and constructing houses for sale to a person or family of low or moderate income for use as such person's or family's principal residence.
- (4) Making grants for down payments and closing costs and below market rate mortgage loans to a person or family of low or moderate income to purchase a house to be used as such person's or family's principal residence.
- (5) Promoting and facilitating decent rental housing for those who do not desire to or cannot afford to purchase a home.

C. General.

- (1) The Commissioner of Neighborhood and Business Development shall establish rules and regulations to implement affordable housing programs with the aim of ensuring the use of available funds for affordable housing program purposes and not for private gain.
- (2) The City may incur indebtedness and appropriate general funds to accomplish the purposes of the City's affordable housing programs.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING PROGRAMS - Programs designed to make ownership or rental of a home or dwelling unit, and assistance for improvements to homes, available to persons of low or moderate income.

BLIGHTED - One or more of the following conditions of a house: boarded, fire damaged, vandalized, structurally damaged, major systems substantially impaired, numerous substantial building and property code violations, obsolescent or any similar condition, the effect of which is to adversely affect the aesthetic or economic environment of the immediate neighborhood.

HOUSE or HOME - Any building containing one or more dwelling units.

LOW AND MODERATE INCOME - Gross annual income less than 120% of median income for household size in the Rochester Metropolitan Statistical Area.

Section 2. Section 2-3 of the City Charter, Administrative Departments, as amended, is hereby further amended by amending the first sentence thereof to read in its entirety as follows:

The administrative departments of the City shall be a Department of Finance, a Police Department, a Fire Department, an Emergency Communications Department, an Information Technology Department, an Office of Management and Budget, a Department of Law, a Department of Neighborhood and Business Development, a Department of Environmental Services and a Department of Recreation and Youth Services.

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Section 3. Section 2-18 of the City Charter, Code of Ethics, as amended, is hereby further amended by deleting the following titles from the chart contained in subsection G(1) therein:

NET Director
NET Administrator
NET Code Coordinator
Commissioner of Community Development
Deputy Commissioner of Community Development
Director of Planning
Director of Zoning
Supervising City Planner/Zoning
Manager of Housing
Manager/Plan Review/Building Inspection
Director of Development Services
Director of Real Estate
Manager of Technical Services
Manager of Contract Services
Commissioner of Economic Development
Deputy Commissioner/Economic Development Department
Manager of Business Development
Manager of Downtown Development

Section 4. Section 2-18 of the City Charter, Code of Ethics, as amended, is hereby further amended by adding the following titles to the chart contained in subsection G(1) therein after the title "Purchasing Agent":

Commissioner of Neighborhood and Business Development
Neighborhood Service Centers Administrator
Director of Development Services
Director of Planning and Zoning
Director of Inspection and Compliance Services
Director of Planning
Manager of Zoning
Manager of Housing
Manager/Plan Review/Building Inspection
Director of Real Estate
Manager of Business Development
Manager of Downtown Development
Manager of Small Market Development
Principal Staff Assistant/Department of Neighborhood and Business Development

Section 5. Section 11A-1 of the City Charter, Department of Recreation and Youth Services, as amended, is hereby further amended by deleting the words "the Community War Memorial" where they are contained therein.

Section 6. This local law shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2009-142
Agreement - Vargas Associates,
Inc., Management of Office
Relocations

May 12, 2009

Transmitted herewith for your approval is legislation establishing \$45,000 as maximum compensation for an agreement with Vargas Associates, Inc. to provide professional management of the planned relocation of various City offices and functions. The cost of the agreement will be funded from the 2008-09 Undistributed appropriation of the operating budget.

It is anticipated that the Mayor's 2009-10 budget proposal will recommend and/or necessitate the relocation of certain City offices and functions to improve operational efficiency and effectiveness. Notable among the recommendations anticipated is the previously announced merger of the departments of Economic and Community Development and the Neighborhood Service Centers. In order to ensure that the moves will be conducted in a secure, coordinated, and timely manner, the Administration recommends engaging the services of an experienced relocation management specialist.

Vargas Associates, Inc., a certified woman-owned business enterprise, has provided such services to the City in the past and is recommended based upon its performance on prior relocation projects for the City. Prior projects include the move of the NET Area C office, the consolidation of Police section offices into the East Side-West Side configuration, and the move-in of the City Public Safety Building by Police, Fire, and Information Technology offices. Most recently, Council authorized a 2008 agreement with the firm for assistance with the moves of the Police Professional Standards and Professional Development sections, Pathways to Peace, Training and Safety, the Recreation Stockroom, the Office of Employment Opportunity, and the realignment of six NET offices into four NSC locations.

Vargas Associates, Inc. will assist in planning, scheduling, budgeting, coordinating, overseeing, facilitating communication among stakeholders, and documenting all elements of the moves.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-142
(Int. No. 191)

Establishing Maximum Compensation For A Professional Services
Agreement For Office Relocation Management

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Vargas Associates, Inc. for management of the relocation of City offices and functions. Said amount shall be funded from the 2008-09 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
May 12, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

May 12, 2009

Int. No. 157 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project

Int. No. 162 - Authorizing The Sale Of Real Estate

Int. No. 110 - Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Exterior And Security Rehabilitation Program, As Amended

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 158 - Approving The Consolidated Community Development Plan/2009-10 Annual Action Plan, As Amended

Int. No. 159 - Authorizing Submission Of The Consolidated Community Development Plan/2009-10 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 160 - Appropriation Of Funds For The City Development Fund

Int. No. 161 - Authorizing An Amendatory 2008-09 Community Development Program Plan For The Homelessness Prevention And Rapid Re-Housing Program

Int. No. 163 - Approving The Sale By The Rochester Urban Renewal Agency Of 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project

Int. No. 164 - Changing The Zoning Classification Of 1452 Norton Street From R-1 Low Density Residential To C-2 Community Center

Respectfully submitted,

Lovely A. Warren

Carolee A. Conklin

Carla M. Palumbo

Gladys Santiago

William F. Pritchard

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-143

Re: Amendatory Agreement - Ingalls
Planning & Design, Jefferson
Avenue Revitalization Plan

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Ingalls Planning & Design (Principal, Matt Ingalls), for continued services related to the Jefferson Avenue Revitalization Plan. This amendment will increase maximum compensation by \$6,300 and extend the term of the agreement from June 30 to July 31, 2009. The additional cost will be funded from the 2008-09 Budget of the Department of Community Development.

The original agreement, authorized in May 2008, established maximum compensation of \$20,000; an amendment in February 2009 increased this amount by \$2,400. The amendment requested herein will bring total compensation to a maximum of \$28,700. Ingalls Planning & Design has provided services for

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the visioning and design phases of the project, and is currently working on the economic analysis phase and final action plan for Jefferson Avenue that will guide continuing development.

Additional work will include completion of a concept plan for Jefferson Avenue, from Flint Street south to South Plymouth Avenue, and from Champlain Street north to West Main Street. This plan is needed in order to quickly coordinate with the use of approximately \$1,500,000 in combined federal stimulus and omnibus funds to be used for streetscape enhancements to Jefferson Avenue. A concept plan for the entire length of Jefferson Avenue from South Plymouth Avenue to West Main Street will assist the City to establish an enhanced gateway with visual continuity through the Jefferson Avenue Revitalization Area and the Jefferson Avenue Focused Investment Strategy areas.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-143
(Int. No. 157)

Establishing Maximum Compensation For An Amendatory Professional
Services Agreement For The Jefferson Avenue Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$6,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Ingalls Planning and Design for planning services for the Jefferson Avenue Revitalization Project. Said amount shall be funded from the 2008-09 Budget of the Community Development Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-144 and
Ordinance No. 2009-150
Re: Sale of City-Owned and Rochester
Urban Renewal Agency-Owned
Real Estate

Transmitted herewith for your approval is legislation approving the sale of five properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is being sold at appraised value. The purchaser is planning to rehabilitate the structure and market the renovated property to owner-occupants.

The next property is being sold at appraised value via a Request for Proposal Sale. The buyer plans to renovate the commercial space into a restaurant and rehabilitate the four apartments.

The last three properties are vacant lots owned by the Rochester Urban Renewal Agency. The lots were acquired between 1975 and 1976 for the Third Ward Urban Renewal District. Since 1978, these lots have been leased to Montgomery Neighborhood Center Inc. for parking and green space associated with their

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adjoining facility at 10 Cady Street. Montgomery Neighborhood Center will combine the lots with their adjoining property, and construct a wheelchair ramp to provide improved accessibility to their building.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,080.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

A public hearing is required for the sale of the RURA parcels.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-52

Ordinance No. 2009-144
(Int. No. 162)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of improved property:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
60 Tacoma St	105.27-1-37	50x156	\$5,000	*NCS Community Development Corp.

*Principals: Frank Cornier, President; Frances Visconte, Chair-Board of Directors; Karyn Herman, Treasurer; Joel Kunkler, Secretary

Section 2. The Council hereby approves the request for proposal sale of the following parcel of improved property:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
227 Genesee St	120.58-3-8	33x80	\$3,000	*California Properties, LLC

*Principal: Jess Peters, President/Sole Proprietor

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-150
(Int. No. 163)

May 12, 2009

Approving The Sale By The Rochester Urban Renewal Agency Of 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Montgomery Neighborhood Center, Inc. (hereinafter called "Redeveloper") for the purchase and redevelopment of 12-12.5 Cady Street and 49-49.5 and 51 Dr. Samuel McCree Way in the Third Ward Urban Renewal Project (hereinafter called "Parcel"), to make improvements to its main facility on an adjacent parcel at 10 Cady Street; and

WHEREAS, a disposition price of \$700 has been established for 12-12.5 Cady Street and \$2,600 for 49-49.5 and 51 Dr. Samuel McCree Way; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on May 12, 2009 to consider the proposed disposition of said Parcels by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said Parcels by the Redeveloper and the terms of the disposition of said Parcels are satisfactory.
3. That disposition of said Parcels by negotiation is the appropriate method of making the Parcels available for redevelopment.
4. That the Redeveloper possesses the qualifications and financial resources necessary to purchase and develop the Parcels in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory.
5. That the proposed disposition prices are satisfactory prices for the Parcels for use in accordance with the Urban Renewal Plan.
6. That the proposed disposition complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.
7. That the sale of said Parcels and conditions established for redevelopment are satisfactory.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcels and approves said Redeveloper as a qualified and eligible sponsor to purchase and redevelop the Parcels.

Section 2. The Council hereby approves the method and disposition of said Parcels by the Agency to said Redeveloper.

Section 3. The Council hereby authorizes the disposition of said Parcels by the Agency for the proposed prices in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

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Introductory No. 110 was introduced April 14, 2009 and appears in its original form with its transmittal letter on page _____ of the current Council Proceedings.

Attachment No. AI-53

Ordinance No. 2009-145
(Int. No. 110, As Amended)

Appropriating Funds And Authorizing Agreements For The Focused
Investment Strategy Exterior And Security Rehabilitation Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2007-08 Community Development Program the sum of \$1,000,000 and from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$500,000, or so much thereof as may be necessary, to fund the Focused Investment Strategy Exterior and Security Rehabilitation Program.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with NCS Community Development Corporation, Inc. to administer the Focused Investment Strategy Exterior and Security Rehabilitation Program in an amount not to exceed \$750,000, which shall be funded from the appropriations made in Section 1.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-146, Ordinance No. 2009-147
And Ordinance No. 2009-148
Re: Consolidated Community
Development Plan/2009-10
Draft Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Program/2009-10 Draft Annual Action Plan. This legislation will:

1. Approve the 2009-10 Draft Annual Action Plan, which describes resources to be utilized, activities to be implemented, as well as other actions to be carried out;
2. Authorize the submission of the plan to the U. S. Department of Housing and Urban Development and the execution of any grant agreements; and
3. Approve the appropriation and use of \$702,964 in Urban Development Action Grant principal and interest repayments projected to be available in the 2009-10 program year for the City Development Fund.

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The Consolidated Community Development Plan identifies the City's overall housing and community development needs and outlines a strategy to address those needs. It describes housing and homeless needs and market conditions; sets forth a strategy that establishes priorities; identifies federal and other resources anticipated being available; and outlines the proposed use of those resources. The Plan brings together, in one consolidated submission, the planning and application requirements for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), American Dream Down Payment Initiatives (ADDI), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

For Program Year 2009-10 (July 1, 2009 - June 30, 2010), the Action Plan describes resources to be utilized, activities to be implemented, as well as other actions to be carried out. Available revenue to fund the plan is estimated at \$15,172,352. Of this amount, \$13,764,234 represents new federal grants and \$1,408,118 represents the anticipated receipt of loan and interest repayments on prior year Urban Development Action Grant and other program income. Spending by goal is summarized below:

<u>Goal</u>	<u>Amount</u>	Percent of <u>Total</u>
Promote Economic Stability	\$ 1,689,271	11
Improve the Housing Stock	11,204,942	74
General Community Needs	1,306,039	9
Other	<u>972,100</u>	<u>6</u>
Total	\$15,172,352	100

City Council approval of the Annual Action Plan is required by HUD, and approval of the Development Fund is required by Resolution 83-26 adopted in May 1983.

A public hearing on the plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-146
(Int. No. 158, As Amended)

Approving The Consolidated Community Development Plan/2009-10
Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2009-10 Annual Action Plan to be financed with \$[15,172,352] 15,655,609 available to the City of Rochester from the Community Development Block Grant, HOME Program, American Dream Down Payment Initiative, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the City's Community Development Program has been recognized for best practices, receiving the U.S. Department of Housing and Urban Development - Buffalo Office Meritorious Award in 2006, eight John J. Gunther Blue Ribbon Best Practices in Community Development from the U.S. Department of Housing and Urban Development in 1998 and a U.S. Department of Housing and Urban Development Secretary's Award for National Excellence in 1986; and

WHEREAS, the proposed plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, the proposed plan was published in the legal section of the Democrat and Chronicle on April 9, 2009 and notice of the amended amounts has also been published and disseminated prior to the public hearing held on May 12, 2009; and

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WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by May 12, 2009; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2009-10 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

WHEREAS, the City Council has reviewed the public comments and recommendations.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2009-10 Annual Action Plan, as amended by allocating an additional \$92,793 in funding to the Promoting Economic Stability allocation and an additional \$390,464 to the Rental Housing Fund in the Housing Development Fund of the Improving the Housing Stock and General Property Conditions allocation. The Draft Consolidated Community Development Plan/2009-10 Annual Action Plan is further amended to correct an erroneous funding allocation by allocating the sum of \$1,956,440 to the Rental Housing Fund in the Housing Development Fund of the Improving the Housing Stock and General Property Conditions allocation, instead of the Rehab Rochester Program.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-147
(Int. No. 159)

Authorizing Submission Of The Consolidated Community Development
Plan/2009-10 Annual Action Plan And Execution Of Grant Agreements
With The United States Department Of Housing And Urban
Development

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2009-10 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to provide any such information that may be required and execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-148

May 12, 2009

(Int. No. 160)

Appropriation Of Funds For The City Development Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Consolidated Community Development Plan/2009-10 Annual Action Plan, the Council hereby appropriates the sum of \$702,964 in anticipated UDAG Loan Repayment Funds and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-149
Re: Amending the Consolidated
Community Development Plan,
Homelessness Prevention and
Rapid Re-housing Program (ARRA)

Transmitted herewith for your approval is legislation related to funding anticipated under Title XII of the American Recovery and Reinvestment Act of 2009. This legislation will:

1. Authorize an agreement with the US Department of Housing and Urban Development for the receipt and use of \$3,954,235 in Homelessness Prevention and Rapid Re-housing (HPRP)funds;
2. Amend the Consolidated Community Development Plan 2008-09 Annual Action Plan to reflect the receipt and use of said funds; and
3. Authorize the submission of the amendment to the Plan to HUD.

HPRP funding is to be used to either prevent individuals and families from becoming homeless, or to help those who are homeless to be quickly re-housed and stabilized. Eligible activities include:

- Financial assistance, including short- and medium-term rental assistance, security and utility deposits, utility payments, moving cost assistance, and motel and hotel vouchers.
- Housing relocation and stabilization services, including case management, outreach, housing search and placement, legal services, mediation, and credit repair.
- Data collection and evaluation, including costs associated with operating HUD-approved homeless management information systems for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP funds.
- Up to 5% of Administration costs will be covered.

May 12, 2009

In order to receive the funds, eligible agencies must submit a substantial amendment to the Consolidated Plan 2008 Action Plan, incorporating how the funds will be used and distributed. Coordination with the local Continuum of Care and service providers is encouraged; the City is working with the County of Monroe, the local Continuum of Care, the United Way, and other stakeholders. In an effort to maximize funding for the community, a joint process will be developed to determine the specific services and service providers to fund.

Currently, it is estimated that funds will be allocated as follows:

	<u>Homelessness Prevention</u>	<u>Rapid Re-housing</u>	<u>Total Amount</u>
Financial assistance	\$843,421	\$ 618,508	\$1,461,929
Relocation/stabilization	\$843,420	\$1,443,186	2,286,606
Data collection			8,000
Administration			<u>197,700</u>
Total			\$3,954,235

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-149
(Int. No. 161)

Authorizing An Amendatory 2008-09 Community Development
Program Plan For The Homelessness Prevention And Rapid Re-
Housing Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a substantial amendment to the 2008-09 Community Development Program Plan to enable the City to receive and administer Homelessness Prevention and Rapid Re-Housing Program funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

Section 2. The Mayor is hereby authorized to submit the substantial amendment and enter into all necessary agreements to enable the City to receive and administer Homeless Prevention and Rapid Re-Housing Program funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-151
Re: Zoning Map Amendment - Rezoning
1452 Norton Street from R-1 Low
Density Residential to C-2 Community

May 12, 2009

Center District

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 1452 Norton Street from R-1 Low Density Residential to C-2 Community Center District. The rezoning is being requested by the owner of Chaskun Auto Sales in order to facilitate expansion of the existing auto repair and sales operation at 1196 Portland Avenue.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted. The Director of Zoning, as lead agency, has issued a negative declaration.

The Planning Commission held an informational hearing on March 16, 2009. There were no speakers in support or in opposition to the proposed rezoning. By a vote of 4-0-0, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-54

Ordinance No. 2009-151
(Int. No. 164)

Changing The Zoning Classification Of 1452 Norton Street From R-1
Low Density Residential To C-2 Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 1452 Norton Street, from R-1 Low Density Residential to C-2 Community Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 39, Township 14, Range 7 and more particularly bounded and described as follows: Beginning at a point on the northerly ROW line of Norton Street (66' ROW) at the southwest corner of Lot 42 of the August & Catherine Bachmann Subdivision, as filed in the Monroe County Clerk's Office in Liber 53 of Maps, Page 2, said corner being the Point or Place of Beginning; thence

- 1) Northerly, along the west line of said Lot 42, a distance of 110.0 feet to the northwest corner thereof; thence
- 2) Easterly, along the north line of said Lot 42, a distance of 26.12 feet to the southeast corner of Lot 1 of said subdivision; thence
- 3) Northerly, along the east line of said Lot 1, a distance of 40.0 feet to the northwest corner of Lot 43 of said subdivision; thence
- 4) Easterly, along the north line of Lot 43 & 44 of said subdivision, a distance of 93.95 feet to the northeast corner of said Lot 44; thence
- 5) Southerly, along the east line of said Lot 44 and its projection, a distance of 183 feet, more or less, to the centerline of said Norton Street; thence
- 6) Westerly, along said centerline, a distance of 120 feet, more or less, to the southerly projection

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of said west line of Lot 42; thence

- 7) Northerly, along said projection, a distance of 33.0 feet, more or less, to the said southwest corner of Lot 42, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
May 12, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 165 - Amending Ordinance No. 2009-15, Relating To A Marina Market And Feasibility Study

Int. No. 166 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 167 - Authorizing A Municipal Cooperation Agreement For South Clinton Avenue Improvements

Int. No. 169 - Establishing Maximum Compensation For A Professional Services Agreement For The Bridge And Structural Maintenance Project, As Amended

Int. No. 187 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvement And ARTWalk2 Enhancement Projects And Appropriating Funds

Int. No. 188 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$197,000 Bonds Of Said City To Finance The Construction Of A Connector Street Between Emerson Street And Locust Street

Int. No. 189 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Riverside Convention Center Roof Replacement Project

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 170 - Approving Increases In The Pavement Width Of Ashwood Drive, Fieldwood Drive And Master Street

Int. No. 182 - Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimis Parcels And Temporary Easements For The East Henrietta Road Improvement Project, As Amended

Int. No. 183 - Approving An Increase In The Pavement Width Of East Henrietta Road At Redfern Drive

Int. No. 184 - Changing The Traffic Flow Of Ft. Hill Terrace From One-Way Eastbound To Two-Way And Authorizing Closure Of Ft. Hill Terrace To Through Traffic At East Henrietta Road

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Int. No. 186 - Amending The Official Map By Abandonment Of Portions Of Crittenden Boulevard
And Authorizing Their Sale, As Amended

The following entitled legislation is being HELD in committee:

Int. No. 168 - Establishing Maximum Compensation For A Professional Services Agreement For
Consulting Services

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-152
Re: Amending Ordinance No. 2009-15 -
Port Marina Design

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-15 which authorized an agreement with Abonmarche, Benton Harbor, Michigan for services related to the design and construction of the Port of Rochester Marina. Abonmarche recently completed the process of separating its marina design and waterfront development services into a new company known as Edgewater Group. This amendment will change the name of the consultant from Abonmarche to Edgewater Group.

This revision will allow the City to avoid subconsultant markup costs that would have been charged by Abonmarche. All other terms of the agreement will remain the same.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-152
(Int. No. 165)

Amending Ordinance No. 2009-15, Relating To A Marina Market And
Feasibility Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-15, relating to an amendatory agreement for a Marina Market and Feasibility Study, is hereby amended by changing the name of the consultant from Abonmarche to the Edgewater Group for the completion of the agreement.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

May 12, 2009

Ladies and Gentlemen:

Ordinance No. 2009-153

Re: Wholesale Water Rate Increase

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for Water Districts 1 and 2 in the Towns of Lima (including the Village of Lima), Richmond, and West Bloomfield in accordance with the City's contracts with these municipal customers.

The present wholesale rate of \$1.38 per 1,000 gallons for Water Districts 1 and 2 in the Towns of Lima and Richmond was established by City Council in April 2008 (Ord. No. 2008-144). The proposed increase of 3.86 % is based on the Consumer Price Index (CPI) for the calendar year 2008. This equals a \$0.05 increase for a proposed rate of \$1.43 per 1,000 gallons. The estimated additional revenue is \$7,300.

The present wholesale rate of \$1.34 per 1,000 gallons for the Town of West Bloomfield was established by City Council in April 2007 (Ord. 2007-111). The proposed rate increase is 6.69% or \$0.09, bringing the rate to \$1.43 per 1,000 gallons. This rate is derived from the 2007 CPI of 2.83%, plus the 2008 CPI of 3.86%. The estimated additional revenue is \$3,200.

These wholesale water customers consumed about 180,600,000 gallons last year. This was a 10% increase in usage from 2007, primarily due to a dramatic 78% increase in water usage in the Town of Richmond. Usage in the Town of Lima Water Districts 1 and 2 (including the Village) comprise about 41% of the total, West Bloomfield about 19%, and Richmond about 39%.

The cost increase is related primarily to expenses of maintaining the aging water system.

Rate changes are expected to be proposed on an annual basis for Lima and Richmond, and every two years for West Bloomfield. The proposed rate increases will go into effect on July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-153
(Int. No. 166)

Amending The Municipal Code With Respect To Wholesale Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

- (9) Wholesale rate: \$1.43 per 1,000 gallons for the Town of West Bloomfield and \$1.43 per 1,000 gallons for the Town of Richmond and Water Districts 1 and 2 of the Town of Lima.

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-154
Re: Inter-Municipal Agreement -

May 12, 2009

South Clinton Avenue Conduit
Modernization

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the reimbursement of the County share of the cost of resurfacing a portion of South Clinton Avenue in the Town of Brighton, as part of the City's South Clinton Avenue Conduit Modernization Project.

The City has initiated the design of a project on South Clinton Avenue, between I-590 and Suburban Court to replace two water supply conduits with a single new conduit. The City is responsible for surface restoration of the portion of South Clinton Avenue that will be disturbed when excavating the trench for the new conduit. The Monroe County Department of Transportation has requested that consideration be given for the City to incorporate a County share in this project for milling and resurfacing the remaining portion of South Clinton Avenue which will not be disturbed by the City's work.

The incorporation of a County share into the City's Conduit Modernization Project will ensure that a uniform driving surface is provided along this heavily traveled arterial highway after the conduit installation. There is no additional cost to the City.

Milling and resurfacing of South Clinton Avenue is expected to occur during the late Spring or early Summer of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-55

Ordinance No. 2009-154
(Int. No. 167)

Authorizing A Municipal Cooperation Agreement For South Clinton
Avenue Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the City shall include the milling and resurfacing of a portion of South Clinton Avenue in the Town of Brighton as part of the City's South Clinton Avenue Conduit Modernization Project.

Section 2. The agreement shall obligate the County of Monroe to reimburse the City for said work.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2009-155
Agreement - LaBella Associates,
Resident Project Representation
Services, Bridge Maintenance (ARRA)

May 12, 2009

Transmitted herewith for your approval is legislation establishing \$180,000 as maximum compensation for an agreement with LaBella Associates, P.C., for resident project representation (RPR) services for the repair and maintenance of various City bridges.

The project includes preventative maintenance and repair work on eight bridges: Driving Park Avenue over Genesee River; East Main Street over CSX Transportation (CSXT) Tracks; Main Street over Genesee River; Court Street over Genesee River; Elmwood Avenue over Genesee River; Lake Avenue over CSXT Tracks; Andrews Street over Genesee River; and Ford Street over Genesee River. The Consultant will provide RPR and general consultation services during the maintenance work on the structures.

The agreement will be financed from anticipated reimbursements from the American Recovery and Reinvestment Act (ARRA), appropriated by Council in March 2009 (Ordinance No. 2009-73). The 2009 Bridge Maintenance Program is a first-tier qualified project funded under the Act.

The New York State Department of Transportation recently solicited qualifications from 15 consultants on their Local Design Services Agreement for RPR services on ARRA projects. These qualifications were used by City staff to select a consultant. LaBella Associates was selected based on their familiarity with the project and staff availability.

RPR services will begin with project construction, anticipated to begin in Summer 2009; completion is scheduled for Fall 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-56

Ordinance No. 2009-155
(Int. No. 169, As Amended)

Establishing Maximum Compensation For A Professional Services
Agreement For The Bridge And Structural Maintenance Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$[180,000] 195,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with LaBella Associates, P.C., for resident project representation services for the Bridge and Structural Maintenance Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the appropriation made in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2009-156
Amendatory Agreement - Bergmann
Associates, University Avenue
Improvement Project and ARTWalk2
Enhancement Project (ARRA)

May 12, 2009

Transmitted herewith for your approval is legislation related to the University Avenue Improvement Project, including ARTWalk2. This legislation will:

1. Appropriate \$3,839,000 in anticipated reimbursements from the Federal American Recovery and Reinvestment Act (ARRA) to finance portions of the project design and construction;
2. Appropriate \$1,376,000 in anticipated reimbursements from the Federal Highway Administration to finance portions of the design and construction of the project;
3. Appropriate \$258,000 from anticipated reimbursements from the State of New York to finance portions of the design and construction of the project; and
4. Authorize an amendatory agreement with Bergmann Associates PC for final design engineering services. An additional \$930,000 will be added to the original agreement authorized in August 2007, and amended in March 2008, for total maximum compensation of \$1,175,000 for the project. The additional amount will be funded as follows:

<u>Source</u>	<u>Amount</u>
ARRA appropriation	\$504,000
FHWA appropriation	206,000
New York State appropriation	39,000
2006-07 Cash Capital	105,000*
2006-07 Cash Capital	57,900
2007-08 Water Cash Capital	12,000
2007-08 Cash Capital	<u>6,100</u>
Total	\$930,000

**Traffic features are eligible for Monroe County reimbursement*

This project includes the reconstruction of University Avenue between North Goodman Street and Union Street, resulting in a two-lane roadway with recessed on-street parking on both sides of the street. Also included are new sidewalks, street lighting, and catch basins.

The ARTWalk trail currently ends at the intersection of University Avenue and Goodman Street. The ARTWalk2 Enhancement Project will extend the trail in three directions: 1) north along the west side of North Goodman Street to terminate at the Arts and Cultural Council of Greater Rochester and the Village Gate complex; 2) west along the north side of University Avenue to terminate at the School of the Arts and the Visual Study Workshop; and 3) south along the east side of North Goodman Street to terminate at the Rochester Museum and Science Center.

A major planned feature of the ARTWalk2 Enhancement Project is a new pedestrian plaza at the northwest corner of University Avenue and North Goodman Street, adjacent to the Memorial Art Gallery (MAG), which will include artist-designed seating and sculpture.

MAG and the University of Rochester are partnering with the City on this project; their contribution includes the funding of sculptural elements to be located in the plaza. Current plans call for a piece representative of the Neighborhood of the Arts (NOTA) located near the intersection, and a second sculpture within the plaza for which a nationally-recognized artist will be commissioned as the signature public art contribution for the MAG.

In addition to the public and privately funded elements of the pedestrian plaza, all three legs of ARTWalk2 will be constructed with pavers or decorative concrete with specialty art features, which will include functional artist-designed street elements such as manhole covers, signal cabinets, light poles and similar features.

May 12, 2009

Other ARTWalk2 planned enhancements include connective artwork sites located throughout the project, a pocket park diagonally opposite the pedestrian plaza, a serpentine retaining wall on South Goodman Street that will function as display space for the work of local emerging artists, and an artistic bus shelter at Village Gate to be funded by Stern Properties.

ARTWalk2 is one of 59 projects selected statewide for non-traditional transportation project funding through ARRA. Project construction will also incorporate New York State Marchiselli Aid for the University Avenue reconstruction portion of the project. To meet ARRA requirements, the design will need to be completed by early 2010. Construction is expected to begin in Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-156
(Int. No. 187)

Establishing Maximum Compensation For An Amendatory Professional
Services Agreement For The University Avenue Improvement And
ARTWalk2 Enhancement Projects And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$930,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for final design engineering services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$162,900 shall be funded from the 2006-07 Cash Capital allocation, \$6,100 shall be funded from the 2007-08 Cash Capital allocation, \$12,000 shall be funded from the 2007-08 Water Cash Capital allocation, \$504,000 shall be funded from the appropriation made in Section 2, \$206,000 shall be funded from the appropriation made in Section 3 and \$39,000 shall be funded from the appropriation made in Section 4.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Government under the American Recovery and Reinvestment Act the sum of \$3,839,000, or so much as may be received and necessary, to fund the design and construction of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 3. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$1,376,000, or so much as may be received and necessary, to fund the design and construction of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 4. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$258,000, or so much thereof as may be necessary, to fund the design and construction of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-157
Re: Emerson-Locust Connector Street
Improvement Project

May 12, 2009

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$197,000 to finance the costs of street construction for the Emerson-Locust Connector Street Improvement Project.

The project is identified in the 2007-08 through 2011-12 Capital Improvement Program, and will be financed as follows:

<u>Source</u>	<u>Amount</u>
Street	\$197,000
Water - Cash (2007-08)	<u>63,000</u>
Total	\$260,000

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. It will include construction of a new road with new curbs, catch basins, trees, sidewalks, water main system, signs and street lighting.

The Rochester Police Department, with input from Sector 3, has recommended a cross street be constructed between Locust Street and Emerson Street. This will enhance police and fire service delivery to Locust Street, which is currently an extremely long thoroughfare between Dewey Avenue and Fulton Avenue.

An ancillary benefit of the project is that the water main on the new street will interconnect the existing water mains on Emerson and Locust Streets. This will improve fire flows for both streets and add redundancy to the water mains in the area.

The new street and right-of-way will occupy currently vacant City-owned parcels at 198 Emerson Street and 45 Locust Street, as well as the currently vacant parcel at 47 Locust Street which the City has recently acquired through foreclosure sale. The structures on all of these parcels will be demolished.

It is anticipated that design will be completed by Spring 2010. Construction is projected to begin in Summer 2010, with substantial completion by Fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-57

Ordinance No. 2009-157
(Int. No. 188)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The
Issuance Of \$197,000 Bonds Of Said City To Finance The Construction
Of A Connector Street Between Emerson Street And Locust Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of a connector street between Emerson Street and Locust Street in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$197,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$197,000 bonds of the City and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$197,000 are hereby authorized to be issued,

May 12, 2009

pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$197,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-158

May 12, 2009

Re: Agreement - Rochester Riverside
Convention Center Roof Replacement
Project

Transmitted herewith for your approval is legislation which will establish \$35,000 as maximum compensation for an agreement with HBT Architects, Pittsford, for Resident Project Representation (RPR) Services for the Convention Center Roof Replacement Project. The cost of the agreement will be financed from debt authorized by Ordinance 2009-67.

City Council previously appropriated funds for the roof construction, to be conducted by Leo J. Roth Corporation, in March 2009. RPR services shall include daily on-site review of construction progression to verify adherence to the design, construction schedule, budget, and to assist in the administration of the project until final completion and acceptance by the City. The City anticipates full-time representation, with the addition of in-house staff oversight, given the scale and complexity of the project.

Qualifications and proposals were solicited from nine area firms, eight of which responded: Architectura, P.C., CMA Architecture P.C., Hunt Engineers, Architects & Land Surveyors, P.C., LaBella Associates P.C., LoMonaco Associates, NH Architecture and Roof Inspec, Inc. The qualifications and proposals were rated by staff and, based on these ratings, HBT was selected for the project.

The project is on schedule for construction to commence in Summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-158
(Int. No. 189)

Establishing Maximum Compensation For A Professional Services
Agreement For The Rochester Riverside Convention Center Roof
Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with HBT Architects for resident project representation services for the Rochester Riverside Convention Center Roof Replacement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2009-67.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-159
Re: Ashwood Drive Group Improvements -
Pavement Width Changes

Transmitted herewith for your approval is legislation authorizing, as part of the Ashwood Drive Group Improvements project, increases of four feet (from 20 feet to 24 feet) in pavement widths as follows:

1. On Ashwood Drive, beginning at North Goodman Street easterly to Waring Road;

May 12, 2009

2. On Fieldwood Drive, beginning at Lyceum Street easterly to Waring Road; and
3. On Master Street, beginning at Waring Road easterly to Bleacker Street.

Ashwood Drive is currently an unimproved street with no gutters or curb; the pavement width changes will allow for two 12-foot lanes and either single-side or alternate parking. Fieldwood Drive and Master Street currently have concrete gutters; the pavement width changes will also allow for two 12-foot lanes and either single-side or alternate parking.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. It will include reconstruction and rehabilitation of the pavement; installation of new curbs; new water mains and services, driveway aprons, and catch basins; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed.

It is anticipated the design will be completed in Spring 2009. Construction is projected to begin in Summer 2009, with substantial completion by Spring 2010.

A public informational meeting will be held on April 30, 2009; copies of the meeting minutes will be forwarded for review. The pavement width changes will be presented for endorsement at the May 5, 2009 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-58

Ordinance No. 2009-159
(Int. No. 170)

Approving Increases In The Pavement Width Of Ashwood Drive,
Fieldwood Drive And Master Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Ashwood Drive from North Goodman Street to Waring Road, as part of the Ashwood Drive Group Improvement Project.

Section 2. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Fieldwood Drive from Lyceum Street to Waring Road, as part of the Ashwood Drive Group Improvement Project.

Section 3. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Master Street from Waring Road to Bleacker Street, as part of the Ashwood Drive Group Improvement Project.

Section 4. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

May 12, 2009

Councilmember Lightfoot moved to amend Introductory No. 182.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren – 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-160, Ordinance No. 2009-161
And Ordinance No. 2009-162

Re: E. Henrietta Road Improvement
Project (ARRA)

Transmitted herewith for your approval is legislation related to the E. Henrietta Road Improvement Project (Mt. Hope Avenue to South Avenue). This legislation will:

1. Authorize acquisition, by negotiation or condemnation, of six parcels and two temporary easements for street purposes as part of the project;
2. Authorize an increase of four feet in pavement width on East Henrietta Road, from 36 feet to 40 feet, beginning at the Redfern Drive to a point 75 feet north;
3. Authorize closure of Fort Hill Terrace to through traffic from East Henrietta Road;
4. Authorize changes in traffic flow on Fort Hill Terrace between East Henrietta Road to South Avenue from one-way eastbound to two-way.

This project has been identified for Federal stimulus funding through the American Recovery and Reinvestment Act (ARRA) by the Genesee Transportation Council. As part of the final design (authorized by Council in March 2009), the values for the proposed acquisitions needed for the project have been established by an independent appraisal from Pomeroy Appraisal Associates, Inc., and are as follows:

<u>Address</u>	<u>Parcels Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
227 East Henrietta Road	Ayanna M. Chastine	71	\$ 400
130 Redfern Drive	D. R. McCagg & S. McCagg	40	\$ 300
80 East Henrietta Road	Julian M. Clarke	29	\$ 250
66 East Henrietta Road	Jonathan Davis	44	\$ 250
48 East Henrietta Road	John R. Cahoon	24	\$ 250
1432 Mt. Hope Avenue	Jeanne M. Blaisdell*	201	\$8,600

<u>Address</u>	<u>Temporary Easements Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
1432 Mt. Hope Avenue	Jeanne M. Blaisdell*	330	both combined:
1432 Mt. Hope Avenue	Jeanne M. Blaisdell*	516	\$2,600

* Trustee, Hoffend Family Trust

May 12, 2009

The parcels are required for construction of sidewalks and the temporary easements and required to construct features related to the improvement project. The cost of the acquisitions, and the associated closing costs, will be financed from 2007-08 Cash Capital.

Closing Fort Hill Terrace to through traffic from East Henrietta Road will improve pedestrian safety and traffic operation at the intersection of Mt. Hope Avenue with East Henrietta Road and Crittenden Boulevard. As a result of this, Fort Hill Terrace will become a two-way street.

Public informational meetings were held on January 21, 2009 and April 14, 2009. The minutes of the January meeting were provided as an attachment to the March 2009 Council item (Ord. No. 2009-70); minutes of the April meeting are attached.

The pavement width change for East Henrietta Road, the closure of Fort Hill Terrace to through traffic from East Henrietta Road, and the change in traffic flow of Fort Hill Terrace from one-way eastbound to two-way will be presented to the Traffic Control Board for endorsement on May 5, 2009. The associated Official Map Amendment will be presented to the City Planning Commission on May 11, 2009.

Public hearings on the acquisitions, and pavement width and traffic changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-59

Ordinance No. 2009-160
(Int. No. 182, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of *De Minimis* Parcels And Temporary Easements For The East Henrietta Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of de minimis temporary easements over the following parcels for street purposes as a part of the East Henrietta Road (Mt. Hope Avenue to South Avenue) Improvement Project:

<u>Address</u>	<u>SBL#</u>	<u>Sq. Ft.</u>	<u>Value</u>
<u>Owner</u>			
1432 Mt. Hope Avenue	136.54-1-22.1		
Jeanne M. Blaisdell, Trustee of the Hoffend Family Trust		330	\$2,600
1432 Mt. Hope Avenue	136.54-1-22.1		
Jeanne M. Blaisdell, Trustee of the Hoffend Family Trust		516	for both

Section 2. The Council hereby approves the acquisition of the following *de minimis* parcels for street purposes, or in the case of the last four parcels listed below, permanent easements for street purposes, as a part of the East Henrietta Road (Mt. Hope Avenue to South Avenue) Improvement Project, in amounts not to exceed the following:

<u>Address</u>	<u>SBL#</u>	<u>Sq. Ft.</u>	<u>Value</u>
<u>Owner</u>			
[227 East Henrietta Road]			
<u>127 Redfern Drive</u>	136.70-1-40		
Ayanna M. Chastine		71	\$400

May 12, 2009

130 Redfern Drive	136.70-1-41		
David R. McCagg & Stephen McCagg, <u>as Trustees</u>		40	\$300
80 East Henrietta Road	136.62-1-31		
Julian M. Clarke		29	\$250
66 East Henrietta Road	136.62-1-42		
Jonathan Davis		44	\$250
48 East Henrietta Road	136.62-1-45		
John R. [Calhoon] <u>Cahoon</u>		24	\$250
1432 Mt. Hope Avenue	136.54-1-22.1		
Jeanne M. Blaisdell, Trustee of the Hoffend Family Trust		201	\$8,600

Section 3. The acquisitions shall obligate the City to pay an amount not to exceed \$12,650, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2007-08 Cash Capital allocation.

Section 4. In the event that said easements or parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements or parcels. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amounts of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements or parcels pursuant to the Eminent Domain Procedure Law.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-161
(Int. No. 183)

Approving An Increase In The Pavement Width Of East Henrietta Road
At Redfern Drive

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 4 feet, from 36 feet to 40 feet, in the pavement width of East Henrietta Road from Redfern Drive to a point 75 feet to the north, as part of the East Henrietta Road (Mt. Hope Avenue to South Avenue) Improvement Project.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-162
(Int. No. 184)

Changing The Traffic Flow Of Ft. Hill Terrace From One-Way
Eastbound To Two-Way And Authorizing Closure Of Ft. Hill Terrace To
Through Traffic At East Henrietta Road

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 12, 2009

Section 1. The Council hereby approves a change in the traffic flow of Ft. Hill Terrace between East Henrietta Road and South Avenue from one-way eastbound to two-way.

Section 2. The Council hereby further approves the closure of Ft. Hill Terrace to through traffic at East Henrietta Road.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-163
Re: Official Map Amendment -
Crittenden Boulevard

Transmitted herewith for your approval is legislation amending the Official Map by abandoning portions of the public right-of way at the northeast and southeast corners of Crittenden Boulevard and Kendrick Road; and authorizing their sale. These areas represent approximately 0.05 acres. These will be sold to the University of Rochester for their appraised value, to be determined by an independent appraisal by Pogel, Schubmehl and Ferrara, LLC.

Acquisition of these parcels will allow for the realignment of property lines at this intersection to accommodate planned development of a new academic building by the University. The original right-of-way was designed to accommodate the University's trolley system. Although the street was re-aligned after removal of the system, the right-of-way was not adjusted.

The University has submitted a site plan and agreed to all required improvements to the right-of-way and existing street infrastructure as necessary.

The City Planning Commission, in its February 9, 2009 meeting recommended approval of this abandonment by a vote of 4-0-2 (abstentions). Minutes of that meeting, application and reference documentation are attached. Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an Unlisted Action.

A public hearing on the map amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-60

Ordinance No. 2009-163
(Int. No. 186, As Amended)

Amending The Official Map By Abandonment Of Portions Of
Crittenden Boulevard And Authorizing Their Sale

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Crittenden Boulevard:

May 12, 2009

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, bounded and described as follows:

Beginning at a point of curvature on the easterly right of way line of Kendrick Road (100' wide), said point being southerly 343.36 feet, from the southerly point of curvature of the intersection of Kendrick Road and Elmwood Avenue; thence,

Southeasterly on a curve to the left, on the existing street right of way line, having a radius of 120.00 feet, a chord bearing of South 52°-28'-08" East, a chord distance of 160.62 feet, having a central angle of 84°-01'-25", for a length of 175.98 feet to the point of tangency on the existing northerly right of way line of said Crittenden Boulevard (30' wide); thence,

South 85°-31'-09" West, through the existing bed of the highway, a distance of 85.57 feet to a point; thence,

North 52°-28'-08" West, continuing through the existing bed of the highway, a distance of 33.46 feet to a point; thence,

North 10°-27'-26" West, continuing through the existing bed of the highway, a distance of 85.57 feet to the Point of Beginning.

Said parcel being 2,160 square feet or 0.050 acre, more or less, as shown on a map entitled "Right of Way Abandonment Kendrick Road at Crittenden Boulevard", prepared by Bergmann Associates, last revised 1/23/09 and on file in the Office of the City Clerk.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Crittenden Boulevard:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, bounded and described as follows:

Beginning at a point of curvature on the southerly right of way line of Crittenden Boulevard (30' wide), said point being 847.67 feet westerly from the point of curvature at the intersection of said Crittenden Boulevard and Castleman Road (60' wide); thence,

Southwesterly on a curve to the left, on the existing street right of way line, having a radius of 130 feet, a length of 217.76 feet, a central angle of 95°-58'-35", a chord bearing of South 37°-31'-52" West, and a chord distance of 193.18 feet to a point of tangency; thence,

North 10°-27'-26" West, through the existing bed of the highway, a distance of 122.12 feet to a point; thence,

North 37°-31'-52" East, continuing through the existing bed of the highway, a distance of 29.72 feet to a point; thence,

North 85°-31'-09" East, continuing through the existing bed of the highway, a distance of 122.12 feet to the Point of Beginning.

Said parcel being 4,362 square feet or 0.100 acre, more or less, as shown on a map entitled "Right of Way Abandonment Kendrick Road at Crittenden Boulevard", prepared by Bergmann Associates, last revised 1/23/09 and on file in the Office of the City Clerk.

Section 3. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of February 9, 2009.

May 12, 2009

Section 4. Upon abandonment of the portions of Crittenden Boulevard as authorized herein, the Council hereby approves the sale of the City-owned abandonment areas to the University of Rochester for [their appraised value] the sum of \$6,600.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Councilmember Lightfoot moved to discharge Int. No. 168 from committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Councilmember Lightfoot moved to amend Int. No. 168.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-164

Re: Agreement - RFS Consulting, City
Vehicle and Equipment Services

Transmitted herewith for your approval is legislation establishing \$54,000 as maximum compensation for an agreement with RFS Consulting (Richard F. Saltrelli, principal), Rochester, for consulting services for the Department of Environmental Services. The cost of this agreement will be funded from the 2008-09 Budget of the Department of Environmental Services.

Mr. Saltrelli is one of several employees in management positions within DES to have retired recently, or are expected to retire in the near future, creating a gap in expertise in several of the operational areas of the department. This agreement is a cost-effective measure that will allow the Department to capitalize on the extensive experience and knowledge Mr. Saltrelli accumulated during his career with the City.

Mr. Saltrelli will develop recommendations and an implementation plan for a City-wide motor pool. By identifying and analyzing seasonal equipment needs across operating units and establishing a method for scheduling and sharing equipment, it is believed that significant capital reductions may be achieved through reductions in the heavy equipment fleet.

May 12, 2009

In addition, Mr. Saltrelli will provide consulting services related to the implementation of automatic vehicle location (AVL) equipment on DES vehicles, for which the department has received a Federal Highway Administration grant in the amount of \$996,900.

Mr. Saltrelli would also act as a resource for labor relations issues, including upcoming negotiations with AFSCME. He may also work on other projects as assigned.

Services will be provided at the rate of \$45 per hour. The term of the agreement will be May 18, 2009 through June 30, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-164
(Int. No. 168, As Amended)

Establishing Maximum Compensation For A Professional Services
Agreement For Consulting Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$[54,000] 35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and RFS Consulting for consulting services for the Department of Environmental Services through June 30, 2010. Said amount shall be funded from the 2008-09 Budget of the Department of Environmental Services. Reports shall be provided to City Council after three months and six months indicating the number of hours for which the consultant was compensated, by project.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Palumbo, Spaul, Warren - 8.

Nays - Councilmember McFadden - 1.

By Councilmember Miller
May 12, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 171 - Authorizing An Agreement For REDCO Services

The Economic Development & The Environment Committee recommends for Consideration the following entitled legislation:

May 12, 2009

Int. No. 172 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 173 - Continuation Of Local Improvement Ordinance No. 1289 Relating To The Monroe Avenue Commercial Parking Lot

Int. No. 174 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 175 - Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Special Services Program

Int. No. 176 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

Int. No. 185 - Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District

Respectfully submitted,

Dana K. Miller

John F. Lightfoot

Elaine M. Spaul (Did not vote on Int. No.'s 175, 176, URA-3, URA-4, URA-5 & Int. No. 185)

Gladys Santiago

William F. Pritchard

ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

Councilmember Miller moved to return Int. No. 171 to committee.

The motion was seconded by Councilmember Palumbo

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 171

Re: Agreement - REDCO, Management Fee

Transmitted herewith for your approval is legislation related to the costs of support provided by City staff to the Rochester Economic Development Corporation (REDCO). This legislation will authorize an agreement with REDCO for the reimbursement of \$75,000.

City staff provide the following services in support of REDCO activities:

- Marketing REDCO loans
- Reviewing REDCO loan applications
- Underwriting REDCO loans

May 12, 2009

- Reviewing requests for funds and processing voucher
- Preparing the REDCO annual report
- Administering the Enterprise Community Zone program
- Project management for Brooks Landing,
- Legal counsel
- Processing of payments for loans

At their May 2008 meeting, the REDCO Board authorized a payment to the City of \$75,000 as a management fee.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 171

AUTHORIZING AN AGREEMENT FOR REDCO SERVICES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation (REDCO) whereby the City will be compensated for providing services to REDCO.

Section 2. The agreement shall obligate REDCO to pay to the City the sum of \$75,000 for said services.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1603 and
Local Improvement Ordinance No. 1604
Re: Special Assessment District
Parking Lots

Transmitted herewith for your approval is legislation authorizing the assessments for seven neighborhood commercial and residential parking lots; appropriating \$75,995 for the operation and maintenance of the parking areas during 2009-10; and re-authorizing the Monroe Avenue Special Assessment District for an additional ten years.

Special Assessment Districts were established in 1979 for these parking lots known as: Culver/Merchants, Monroe Avenue, Parker Place, South Avenue, North Street, Lyell Avenue, and Woodside/Goodwill. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscape maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

The assessments required and the total appropriations available for 2009-10:

May 12, 2009

Parking lot assessments - July 1, 2009	\$72,345
Unused assessment - prior years	<u>3,650</u>
Total	\$75,995

The South Avenue district properties will continue through 2009-10 without additional assessments; sufficient funds remain from previous years' assessments.

A summary of charges by district is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-61

Local Improvement Ordinance No. 1603
(Int. No. 172)

Local Improvement Ordinance - Establishing The Operating And
Maintenance Costs Of Neighborhood Commercial Or Residential
Parking Areas

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the local improvement ordinances, and said new assessments are hereby appropriated from the Care and Embellishment Fund for the operation and maintenance of parking areas and neighborhood commercial or residential parking lots during 2009-10:

<u>Parking Area</u>	<u>New Assessments</u>	<u>Unused Assessments From Prior Years</u>	<u>Total Amount</u>	<u>LIO</u>
Culver/Merchants	\$31,245.00	\$ -0-	\$31,245.00	1534
Monroe Avenue	14,200.00	2,000.00	16,200.00	Pending
Parker Place	2,500.00	-0-	2,500.00	1489
South Avenue	-0-	1,650.00	1,650.00	1468
North Street	7,000.00	-0-	7,000.00	1258
Lyell Avenue	7,950.00	-0-	7,950.00	1548
Woodside/Goodwill	9,450.00	-0-	9,450.00	1517

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1604
(Int. No. 173)

Continuation Of Local Improvement Ordinance No. 1289 Relating To
The Monroe Avenue Commercial Parking Lot

WHEREAS, by Local Improvement Ordinance No. 1289, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue Commercial Parking Lot (also known as the Oxford Square Commercial Parking Lot); and

May 12, 2009

WHEREAS, said Local Improvement Ordinance was extended for ten years by Local Improvement Ordinances No. 1441, and the Council desires to continue said Local Improvement Ordinance for an additional period of ten years.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1289, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue Commercial Parking Lot, as extended by Local Improvement Ordinance No. 1441, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1605
Re: Downtown Enhancement District
2009-10 Budget

Transmitted herewith for your approval is legislation approving the 2009-10 Budget for the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District.

The District, designed to provide an enhanced level of care and maintenance in the downtown area, has been reauthorized periodically since it was established in 1989. The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north; Chestnut Street on the east; Broad Street on the south; Plymouth Avenue on the west; and all other properties within 1,600 feet of Main Street that are within the enclosed walkway system.

The Downtown Enhancement District Advisory Committee, consisting of eleven representatives of property owners and tenants, oversees the Department of Environmental Services' administration of the program. The Committee approved the proposed budget on March 19, 2009.

Annual costs are restricted by formula - an amount equal to the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the Consumer Price Index (CPI) - unless otherwise approved by the advisory committee. Costs are apportioned among District properties using the following criteria: assessed value of the property - 50%; gross area - 50%. Additionally, costs are assessed for properties directly on Main Street or with direct access to Main Street via the enclosed walkway system, and all parking lots and garages are weighted at twice the factors of other properties.

The maximum permissible budget for 2009-10 based upon the 20-year cumulative increase in the CPI (75.8%) is \$703,200. The recommended budget is \$553,200 which is a \$12,300 (2.3%) increase over 2008-09. This is due in most part to a \$10,500 increase in wages and benefits.

<u>Expense</u>	<u>2008-09</u>	<u>2009-10</u>	<u>Variance</u>
Salaries and wages	\$377,800	\$383,200	\$ 5,400
Employee benefits	<u>139,200</u>	<u>144,300</u>	<u>5,100</u>
Total personnel services	\$517,000	\$527,500	\$10,500
Materials and supplies	65,200	66,100	900
Contractual services	<u>51,700</u>	<u>55,600</u>	<u>3,900</u>
Operational expenses	633,900	649,200	15,300

	May 12, 2009		
Less: Operating revenues	<u>33,000</u>	<u>36,000</u>	<u>3,000</u>
Required assessments	\$600,900	\$613,200	\$12,300
Less: Fund balance	<u>60,000</u>	<u>60,000</u>	<u>0</u>
Total Budget	\$540,900	\$553,200	\$12,300

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1605
(Int. No. 174)

Local Improvement Ordinance - Establishing The Cost Of The Special
Work And Services Related To Main Street Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services for the 2009-10 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444, 1531 and 1597, is established at \$553,200. The sum of \$60,000 from the fund balance and \$36,000 from operating revenues, or so much thereof as may be necessary, are hereby appropriated to further fund the Downtown Enhancement District for the fiscal year.

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1606 and
Local Improvement Ordinance No. 1607
Re: Downtown Special Services
Program

Transmitted herewith for your approval is legislation related to the Downtown Special Services Program. This legislation will:

1. Authorize a five-year continuation of the special assessment district through which the program is financed;
2. Approve the 2009-10 budget of the program and the assessments to be apportioned to the properties within the Downtown Special Services District (see attached map); and
3. Establish \$513,400 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2009 to June 30, 2010. This agreement will be funded from assessments to participating properties and a portion of fund balance.

The Downtown Special Services Program, previously referred to as the Downtown Guides Program, was established in 1994, and has been reauthorized in 1999 and 2004. In 2007, a name change was approved to reflect the change in program emphasis from information to safety. Retired law enforcement personnel on foot, bicycles, and in vehicles provide on-street safety services.

May 12, 2009

Downtown Special Services, Inc., is a non-profit corporation governed by an 11-member board of representatives from downtown businesses, the tourist industry, and City and County government. The board and membership recently decided that the Safety Services team hours would be extended by one hour on Friday and Saturday evenings. The reduction of an Operations Supervisor position will allow for this additional expense. The Safety Services team also now offers an on-demand walking service to downtown employees between the hours of 6:00 pm and 9:00 pm, Monday through Friday.

The program will continue the operation of a small Information Services team at the Downtown Information Center, and maintain a portion of the website that draws approximately 140,000 visitors per year. The Center is open weekdays from 8:30 am to 5:30 pm.

The 2009-10 budget for the program will be \$513,400. Upon application of \$54,735 from the fund balance, the total assessment for 2009-10 will be \$449,941, which includes a delinquency reserve.

The assessment to cover the expenses of the program will be apportioned among all non-homestead properties within the district boundaries, except those owned by the federal or state governments. The apportionment is based on relative assessed valuation. Once the proposed legislation is approved, the tax levy for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review these tax levies and to comment upon them at a public hearing.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-62

Local Improvement Ordinance No. 1606
(Int. No. 175)

Continuation Of Local Improvement Ordinance No. 1352 Relating To
The Downtown Special Services Program

WHEREAS, by Local Improvement Ordinance No. 1352, the City provided for the levying of local improvement assessments to fund the cost of the Downtown Special Services Program (originally known as the Downtown Guides Program); and

WHEREAS, said Local Improvement Ordinance was extended for five years by Local Improvement Ordinances No. 1446 and 1528, and the Council desires to continue said Local Improvement Ordinance for an additional period of five years.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1352, relating to the levying of local improvement assessments to fund the cost of the Downtown Special Services Program, as extended by Local Improvement Ordinances No. 1446 and 1528, is hereby re-enacted for an additional period of five years, commencing on July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1607
(Int. No. 176)

May 12, 2009

Local Improvement Ordinance - Establishing The Cost Of The Special
Work And Services Related To Downtown Special Services And
Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services to be assessed for the 2009-10 fiscal year for the Downtown Special Services District, is established at \$449,941, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446 and 1528, and at this meeting.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Special Services Program. The agreement shall obligate the City to pay an amount not to exceed \$513,400, and of said amount, or so much thereof as may be necessary, \$449,941 is hereby appropriated from the assessments authorized herein and \$54,735 is hereby appropriated from Downtown Special Services District fund balances. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Local Improvement Ordinance No. 1608
Authorizing a New Local Improvement
District - East Avenue and Alexander
Street, Enhanced Street Cleaning
Services

Transmitted herewith for your approval is legislation authorizing the establishment of a new local improvement district to be known as the East Avenue and Alexander Street Entertainment District, for the purpose of providing additional trash removal during specified hours. This legislation will also authorize the calculation of the annual costs and the apportionment thereof among district properties.

For the past two years, the City has provided, at no cost, additional trash removal during times of high patron use in the district, with the understanding that a special assessment district would be formed and associated costs charged to the entertainment venue properties (i.e., bars, restaurants, and parking lots).

The annual assessment levied for each property is based on use and size, as agreed upon by those entertainment establishments and property owners in the district. The total assessment for 2009-10 is \$17,930, with charges by type of property as follows:

<u>Description</u>	<u>Code</u>	<u>Charge</u>
Parking Lot Under 2500 Sq Ft	1	\$190
Parking Lot 2500-4999 Sq Ft	2	\$370
Parking Lot 5000-9999 Sq Ft	3	\$550
Parking Lot 10,000 Sq Ft or more	4	\$750
Small Sit Down Restaurant	5	\$190
Take Out Rest/Smaller Bar	6	\$370
Large Bar/Sit Down Restaurant	7	\$860

Residential properties without entertainment venues or parking lots are not assessed additional charges.

May 12, 2009

A list of properties included in the district is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1608
(Int. No. 185)

Local Improvement Ordinance - Upgrading Of Street Cleaning For The
East Avenue/Alexander Street Entertainment District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the upgrading of street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District in the form of additional services on Saturday and Sunday mornings from approximately April through October for 2009 and 2010.

Section 2. The limits of the District of Assessment for the additional street cleaning shall be the following properties, which constitute parking lots and parcels within the East Avenue/Alexander Street Entertainment District that contain uses that generate the need for additional street cleaning services on weekends:

SBL #	Property Address	Owner Name	Code
121.33-1-11	7 Ryan Alley	VBS of Rochester Inc.	1
121.26-1-63	16 Lawrence St	Whiting Chauncey L Jr	2
121.26-1-64	14 Lawrence St	Whiting Chauncey L Jr	2
121.34-1-31	285 Alexander St	277 Alexander LLC	2
121.33-1-12	22 Anson Pl	277 Alexander LLC	3
121.33-1-13	24 Anson Pl	277 Alexander LLC	3
121.33-1-14	277 Alexander St	277 Alexander LLC	5
121.33-1-14	277 Alexander St	277 Alexander LLC	6
121.34-1-36	297 Alexander St	333 East LLC	3
121.34-1-34	293 Alexander St	Pyrszak Linda M	7
121.25-1-48	7 Lawrence St	Apub Inc	7
121.26-1-62	18 Lawrence St	Apub Inc	2
121.34-1-32	289 Alexander St	Rochester East End Properties	6
121.25-1-47	330 East Av	LLD Enterprises Inc	5
121.25-1-45	320 East Av	LLD Enterprises Inc	5
121.34-1-35	295 Alexander St	295 Alexander St LLC	6
121.34-1-30	282 Alexander St	282 Alexander LLC	5
121.34-1-33	291 Alexander St	Davis Ronald A & Cowden Tabor	7
121.26-1-41	336 East Av	RRB Properties LLC	7
121.26-1-41	336 East Av	RRB Properties LLC	7
121.26-1-45	315 Alexander St	The Fitch Building LLC	6
121.26-1-45	315 Alexander St	The Fitch Building LLC	7
121.26-1-44	360 East Av	The Fitch Building LLC	7
121.26-1-58	28.5 Lawrence St	The Fitch Building LLC	1
121.26-1-59	26 Lawrence St	The Fitch Building LLC	2
121.26-1-39	355 East Av	339 East Avenue LLC	7
121.26-1-39	355 East Av	339 East Avenue LLC	7
121.34-1-38	301 Alexander St	339 East Avenue LLC	4
121.26-1-38	384 East Av	Chen Teh-Huiy & Shue-Que	7

May 12, 2009

121.26-1-40	1 Ryan Alley	333 Avenue East LLC	7
121.26-1-40	311 Alexander St	339 Avenue East LLC	6
121.26-1-40	343 East Av	333 Avenue East LLC	6
121.26-1-40	349 East Av	333 Avenue East LLC	7

Section 3. The Council hereby finds that the upgrading of said street cleaning will benefit the parcels of property within the district described in proportion to the type of use of each property, and for parking lots, the size of the lot, in accordance with the following Code:

	<u>Code</u>	<u>2009 Charge</u>
Parking Lot Under 2500 Sq Ft	1	\$190
Parking Lot 2500-4999 Sq Ft	2	\$370
Parking Lot 5000-9999 Sq Ft	3	\$550
Parking Lot 10000 Sq Ft Or More	4	\$750
Small Sit Down Restaurant	5	\$190
Take Out Rest/Smaller Bar	6	\$370
Large Bar/Sit Down Restaurant	7	\$860

Section 4. The additional costs relating to such street cleaning upgrading, in an amount not to exceed \$17,930 for 2009, shall be assessed and billed on the 2009-10 tax bill and shall be due in one installment. The amount to be billed for 2010-11 and the charge for each code shall be determined by a separate local improvement ordinance. Such amount shall be appropriated from the Special Assessments. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
May 12, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 177 - Establishing Maximum Compensation For An Agreement With The Protectives, Inc. For Property Protection And Salvage Services

Int. No. 178 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Center Security Systems

Int. No. 180 - Amending The 2008-09 Budget For Columbaria Purchases

Int. No. 181 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Assets Coming Together For Youth Initiative

The following entitled legislation is being HELD in committee:

Int. No. 179 - Authorizing An Application And Agreements For The 2009 Summer Food Service Program For Children

May 12, 2009

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-165
Re: Agreement - Protectives, Inc.

Transmitted herewith for your approval is legislation establishing \$141,000 as maximum compensation for a three-year agreement with Protectives, Inc. for the continued provision of auxiliary services to the Rochester Fire Department. The cost of the agreement will be funded from the annual Budgets of the Fire Department as follows:

2009-10	\$ 46,000
2010-11	47,000
2011-12	<u>48,000</u>
Total	\$141,000

The Rochester Protectives, Inc., a volunteer firefighter assistance organization established in 1858, works with the RFD to provide both fire and non-fire salvage services to City residents at emergency incidents. The Protectives provide assistance to the Fire Department and protect private property of citizens from unnecessary damage by performing the following activities:

- Covering or removing property
- Recovering family valuables
- Providing ventilation through the use of smoke-ejecting fans
- Set-up of emergency scene lighting
- Pumping water from flooded buildings
- Securing broken windows and doors

Over 25,000 hours of services are provided annually by approximately 35 active members who volunteer a minimum of twelve hours per week. RFD provides 5,600 square feet of space at the Andrews Street facility for office, storage, and bunking purposes, and a truck and driver to transport equipment.

To ensure the health and safety of emergency responders, the Fire Department provides annual physicals and hepatitis B vaccinations for Protectives members who use breathing apparatus at fire scenes. Similar health services are currently provided by the City to other emergency personnel as required under state and federal regulations.

The City funds cover the costs incurred by Protectives, Inc. for operating and administrative costs of the program, including but not limited to: facility maintenance, administrative services, office supplies, and accident and sickness insurance.

The most recent agreement, authorized in 2006, expires June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

May 12, 2009

Ordinance No. 2009-165
(Int. No. 177)

Establishing Maximum Compensation For An Agreement With The
Protectives, Inc. For Property Protection And Salvage Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$46,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of an agreement between the City and The Protectives, Inc. for property protection, salvage and related services to the Fire Department. Said agreement may extend for a term of three years, with maximum amounts of \$47,000 and \$48,000 in the second and third years. The Fire Department shall also be obligated to pay for the costs of physical examinations and hepatitis B vaccinations for members of the Protectives. Said amounts shall be funded from the 2009-10 and subsequent Budgets of the Fire Department, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-166
Re: Agreement - SimplexGrinnell LP,
9-1-1 Center Security System

Transmitted herewith for your approval is legislation establishing \$22,000 as maximum compensation for an agreement with SimplexGrinnell LP, Rochester, for security system services at the Emergency Communications Center. The cost of the agreement will be financed from the 2009-10 Budget of the Emergency Communications Department.

SimplexGrinnell LP will provide inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 9-1-1 Center. Inspection services will include functional testing of all components of the systems and will be conducted in accordance with NFPA standards. Maintenance services will include all parts and labor necessary to diagnose and repair the systems, excluding problems in power and signal wiring. Maintenance service will also include after-hours emergency repairs for the intrusion alarm, access control and the fire alarm systems.

The most recent agreement for these services was approved by City Council in April 2008. The security camera and access control systems for the Emergency Communications Center were upgraded by SimplexGrinnell LP in March 2003. The access control system interfaces with the security camera system, and is a proprietary system using equipment, software, and supplies available only from SimplexGrinnell.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-166
(Int. No. 178)

Establishing Maximum Compensation For A Professional Services
Agreement For Emergency Communications Center Security Systems

BE IT ORDAINED, by the Council of the City of Rochester as follows:

May 12, 2009

Section 1. The sum of \$22,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with SimplexGrinnell LP for inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 9-1-1 Center. Said amount shall be funded from the 2009-10 Budget of the Emergency Communications Department, contingent upon adoption of said Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-167

Re: Budget Amendment - Mt. Hope
And Riverside Cemeteries

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$33,000 from the Contingency Account to the Cemetery Cash Capital Account. These funds will finance the purchase of three double-niche columbaria; one will be installed at Riverside Cemetery, and two will be installed at Mt. Hope Cemetery.

There is increasing interest from pre-need and at-need clients for cremation over traditional ground burial. Cremation is less costly and requires less on-going maintenance. Cremation also makes much more efficient use of cemetery space and provides a steady revenue source for the City. The purchase of the columbaria will provide clients with another option for pricing and location.

The columbaria will each have fifty niches. The niches will be offered at \$1200 for a single niche and \$1500 if the niche is being used as a double. Based on a conservative sales estimate of five niches per year for each of the three columbaria, the capital costs will be recovered in approximately two years. This acquisition will assist in decreasing the required property tax support for the cemeteries in the future years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-167
(Int. No. 180)

Amending The 2008-09 Budget For Columbaria Purchases

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$33,000 from the Contingency Account to the Cash Capital allocation to fund the acquisition of columbaria for Mt. Hope and Riverside Cemeteries.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

May 12, 2009

Ordinance No. 2009-168
Re: Amendatory Agreement - Coordinated
Care Services, Inc., ACT for Youth

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Coordinated Care Services Inc., for continued support of the Assets Coming Together for Youth Initiative. The original agreement, authorized in March 2009, established maximum compensation of \$13,000; this amendment will provide an additional \$20,000 for a total of \$33,000. The additional cost will be financed from the 2008-09 Budget of the Department of Recreation and Youth Services.

This funding request is necessitated by an unanticipated loss of state funding for this program. New York State Department of Health funding was expected to continue for two additional years, but has been eliminated state-wide. The additional funds will support the costs for a Coordinator and Assistant Coordinator to continue the ACT for Youth Initiative. ACT for Youth provides programs for youth leadership, service learning, and youth/adult partnerships in the city and the county.

The ACT for Youth Initiative has been a successful collaboration between the Rochester-Monroe County Youth Bureau and the City's Bureau of Recreation. In keeping with the collaborative spirit, the Rochester-Monroe County Youth Bureau will match the additional funding by the City to support the staffing of the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-63

Ordinance No. 2009-168
(Int. No. 181)

Establishing Maximum Compensation For An Amendatory Professional
Services Agreement For The Assets Coming Together For Youth
Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Coordinated Care Services, Inc. to provide coordinators for the Assets Coming Together for Youth Initiative. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 179
Re: Summer Food Service Program

Transmitted herewith for your approval is legislation related to the 2009 Summer Food Service Program (SFSP). This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of funds for the 2009 SFSP;

May 12, 2009

2. Establish \$367,600 as maximum compensation for an agreement with the Rochester City School District for the preparation and delivery of the breakfasts and lunches.

SFSP provides free breakfast and lunch to City children eighteen and under and to disabled persons over eighteen who are enrolled in a school year program for children with disabilities. The program is administered by the City; the District prepares and delivers the meals to the program sites.

The School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals, qualifying all areas of the city for participation. Approximately sixty-five sites will operate June 29-September 4, 2009. Site selection is based on proximity to youth service activities and satisfactory past participation in the program.

The rates for meal preparation and delivery, and New York State reimbursement are:

	<u>2008 RCSD</u>	<u>2009 RCSD</u>	<u>2009 NYS Reimbursement</u>
Breakfast	\$1.30	\$1.40	\$1.78
Lunch	\$2.30	\$2.40	\$3.13

Based on these rates, and a projection of 74,000 breakfasts and 110,000 lunches, estimated reimbursement from the State will be \$476,000, which includes \$108,400 in operating costs. These amounts have been included in the proposed 2009-10 Budget of the Department of Recreation and Youth Services.

The most recent agreement for these services was approved by Council in April 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 179

**AUTHORIZING AN APPLICATION AND AGREEMENTS FOR THE
2009 SUMMER FOOD SERVICE PROGRAM FOR CHILDREN**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Education for the funding for the 2009 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$367,600, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2009-10 budget of the Department of Recreation and Youth Services, contingent upon approval of said budget and receipt of said funding.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Held in committee.

May 12, 2009

The meeting was adjourned at 9:10 P.M.

DANIEL B. KARIN
City Clerk